REMARKS

Reconsideration of this application as amended is respectfully requested.

In the Office Action, claims 1-9 and 11-33 were pending. Claims 1-9 and 11-33 were rejected. In this response, no claim has been canceled. Claims 1, 11, 15, 20, 26-27, and 29-33 have been amended. No new matter has been added.

An interview between Kevin G. Shao (Reg. No. 45,095) and the Examiner was conducted on July 20, 2004. During the interview, claims 1, 7, and 13 were discussed with respect to U.S. Patent No. 6,385,614 of Vellandi ("Vellandi"). The Examiner agreed to reconsider Applicant's arguments. Applicant thanks with appreciation the Examiner for participating in the interview.

Claims 1-33 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Vellandi. In view of the foregoing amendments, it is respectfully submitted that claims 1-33 include limitations that are not disclosed or suggested by Vellandi. Specifically, independent claim 1 as amended recites:

> 1. A method of controlling on-line access to reference materials, comprising:
> receiving an on-line request for a reference material;
> determining if a copy of the requested reference material is available, wherein determining if the copy of the requested reference material is available includes determining if a server has possession of a token corresponding to the requested reference material;
> passing the token to a requester of the on-line request if the copy of the requested reference material is available, such that the server no longer has the possession of the token to provide access to the copy of the requested reference material to another requester while the requester has the possession of the token passed from the server;
> providing access to the copy of the requested reference material if the requested reference material is available; and
> temporarily denying access to the requested reference material if the requested reference material is not available because the server does not have the possession of the token.
>
> (Emphasis added)

As set forth in claim 1, the present invention as claimed includes the use of tokens when determining if a copy of the requested reference material is available and the same token is returned when the access of the requested reference material is finished to allow another user to access the reference material. Specifically, the present invention as claimed determines if a server has possession of a token corresponding to the requested reference material as a way to determine if requested reference material is available. Upon determining the server has the token, the token is passed to the requester.

Vellandi does not disclose the use of such tokens. Rather Vellandi uses cookies assigned to each of the users to keep track whether a book is accessed. The Examiner believes that the tokens of the present invention may be equated with the cookies described in Vellandi. Specifically, the Examiner stated:

> Further, Vellandi discloses the claimed feature of "determining if a server has possession of a token corresponding to the requested reference materials" as a cookie that is transmitted to the user from the server when a username and password is valid (col. 6, lines 27-33). Last, Vellandi discloses the claimed feature of "passing a token to a requester of the online request if a copy of the requested material is available" as a subscriber that uses the subscriber's computer 14 to communicate a request which includes a cookie to the server for access to a particular shared book (See Vellandi Col. 6, lines 33-36).
>
> (5/3/2004 Office Action, emphasis added)

Applicant respectfully disagrees. A cookie is not the same as a token. A cookie and a token have significant different meanings in the networking industry. A cookie is a message given to a Web browser by a Web server. The browser stores the message in a text file. The message is then sent back to the server each time the browser requests a page from the server. The main purpose of cookies is to identify users and possibly prepare customized Web pages for them. For example, when a user enters a Web site using cookies, the user may be asked to fill out a form providing such information as the name and interest. This information is packaged into a cookie and sent to the user's Web browser which stores it for later use. The next time the user goes to the same Web site, the user's browser will send the cookie to the

Web server. The server can use this information to present the user with custom Web pages. Each client has a cookie having specific information regarding the client's interest.

However, a token is a special series of bits that travels around a network. The token acts like a ticket or permission enabling its owner to send a message across the network. There is only one token for each network shared by multiple clients, contrary to the cookies of each of the clients.

The fact that a cookie is transmitted to a client after verifying the username and password of the client is irrelevant with respect to determining if a server has the possession of a token corresponding to the requested reference materials. After the server of Vellandi authenticates the client, a cookie is transmitted from the server to the client, regardless whether the client requests for a reference material. The cookie is transmitted to the client even before the client requests the reference material. Thus, the cookie transmitted to the client is not associated with a particular reference material, contrary to the present invention as claimed.

As acknowledged by the Examiner, when a client of Vellandi subsequently accesses the server, the client has to pass the cookie to the server in order to access the requested book. That is, the cookie is passed from the client to the server when the client accesses the requested material. In contrast, the present invention as claimed passes the token associated with requested material to the client if the requested material is available (e.g., the server has the token). That is, the token is passed from the server to the client. Clearly, the approaches of Vellandi and the present invention as claimed are significantly different.

In addition, the use of tokens is different than cookies in Vellandi. In the present invention as claimed, the possession of the token indicates who has possession of the material. Thus, the ownership of the token indicates the ownership of the reference material at a given time. That is, the server that has the document, holds the token and when the server gives the document to a requester, it sends the token as well, in which case, the client who obtains the document has the ownership of the token (while the server no longer has the token associated

with the requested reference material). Thus, the server need only check whether it has the ownership of the token to determine if it can pass the document to a requester.

In Vellandi, cookies are assigned by the server and sent to subscribers when the subscribers establish a relationship with the server. Subsequently, the subscribers send their requests for a document with the cookie in order to gain access to the document. Since multiple cookies exist for multiple clients, the server of Vellandi has to examine each of the cookies sent from the multiple clients to determine who has the right to the document, rather than just determining whether the server has the token.

Further, because of the nature of cookies, each client of Vellandi has to send its cookie every time when the client communicates with the server. The server in turn examines each cookie of the clients (e.g., multiple cookies) to determine whether a particular client is done with the document obtained by examining whether the server receives the cookie of that client within a period of time. If the server "does not see the "cookie" assigned to the user accompanying a request with respect the book to which the user has been granted exclusive access within the predetermined period of time or some portion thereof, the user's exclusive access to the shared electronic book is terminated upon expiration of the predetermined period of time." (Vellandi, col. 2, lines 20 to 28, emphasis added). Thus, the server of Vellandi has to examine each of the cookies associated with its clients in order to determine whether a particular client can obtain the right to a particular document. Given that there may be thousands of clients, such operations could be burdensome.

In contrast, the present invention as claimed uses a token to determine which of the clients should obtain exclusive right to a reference material. Since there is only one token per given copy of the document in a network and the token travels around the network, the server needs only examine whether the server has the possession of the token, without having to examine each of the requests or messages sent from multiple clients, in order to determine whether the server has the requested reference material available.

The same token associated with the requested reference material travels between the server and the multiple clients. When a client obtains an exclusive right to the document, the token associated with the requested document is sent to the client, such that the server does not have the token any more while the client still possesses the document. Meanwhile, if another client requests the same document, since the token is no longer with the server, the server can quickly deny the request of that client. When the client is no longer in possession of the document, the same token is transmitted back from the client to the server to enable to the server to allow another client access to the document. In contrast, the cookie of Vellandi is always stored in the client's machine accessible by the client's browser.

Furthermore, as recited in claims 4-8, for example, when a client obtains the right to the document, a client side agent is also sent to the client, where the client side agent actively monitors at the client side regarding the access of the documents. Thus, if the client side agent of the client determines that the document is no longer in use by the client, for example, by detecting the idle time of the client's browser, the client side agent transmits an indication, including the token, to the server to enable the server to allow other clients accessing the same document.

In contrast, the server of Vellandi has to perform all of the monitoring operations as discussed above (see, Vellandi, col. 2, lines 11 to 28, as cited above). The server of Vellandi has to wait for a predetermined period of time within which the server does not "see" the cookie of the client currently having the right to the document, in order to consider the document is no longer in use, even if the document is no longer in use far before the predetermined period of time. Thus, the absence of the cookie received by the server of Vellandi for certain period of time is used to determine whether the client is still active (e.g., still accessing the reference material), while the present invention as claimed uses a client side agent located at the client machine to transmit an indication including the token to the server only when the client is done with the reference material. Such different approaches of Vellandi and the present invention as claimed are clearly teaching away from each other.

It is respectfully submitted that the approaches of Vellandi and the present invention as claimed are significantly different. In fact, as discussed above, such approaches teach away from each other. It is respectfully submitted that Vellandi fails to disclose or suggest the limitations set forth above. One with ordinary skill in the art, based on the teachings of Vellandi, would not be able to arrive the present invention as claimed. Such a suggestion can only be found in Applicant's own disclosure. It is respectfully submitted that it would be impermissible hindsight to use Applicant's disclosure against the Applicant.

In view of forgoing, Applicant respectfully submits that independent claim 1 is not obvious in view of Vellandi. Similarly, independent claims 11, 15, 20, 27, and 29-33 include limitations similar to those recited in claim 1. Thus, for the reasons similar to those discussed above, independent claims 11, 15, 20, 27, and 29-33 are patentable over Vellandi. Given that dependent claims 2-9, 12-14, 16-19, 21-26, and 28 depend from one of the above independent claims, it is respectfully submitted that claims 2-9, 12-14, 16-19, 21-26, and 28 are also patentable over Vellandi.

In view of the foregoing, Applicant respectfully submits the present application is now in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call the undersigned attorney at (408) 720-8300.

Please charge Deposit Account No. 02-2666 for any shortage of fees in connection with this response.

Respectfully submitted,

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